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10/039,175	12/31/2001	Michael Leon Feilmeier	80252-0183	7161
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STEVEN L. NICHOLS RADER, FISHMAN & GRAVER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095			EXAMINER PAPPAS, PETER	
			ART UNIT	PAPER NUMBER
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**Technology Center 2600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/039,175  
Filing Date: December 31, 2001  
Appellant(s): FEILMEIER ET AL.

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Steven L. Nichols  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/4/04.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,297,795	Kato et al.	10-2001
5,907,705	Carter, Bruce	05-1999
5,384,862	Echerer et al	01-1995

6,570,583	Kung et al.	05-2003
Handbook for the Palm VII Organizier, Copyright 1998 3Com Corporation. <a href="http://www.palmone.com/us/support/handbooks/palmvii.pdf">http://www.palmone.com/us/support/handbooks/palmvii.pdf</a>		
Remote Engineering Homepage. Oct. 1999. <a href="http://web.archive.org/web/19991013091843/http://pocketcad.com/">http://web.archive.org/web/19991013091843/http://pocketcad.com/</a>		

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-6, 25, 27 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handbook for the Palm VII Organizer, referred to herein as Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), in view of Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034).

In regards to claim 1 Palm teaches a Palm VII connected organizer (referred to herein as organizer) with a touch-sensitive display, responsive to user input via a stylus, and memory for the storage of data (p. 1; 5-7; 48). Palm teaches that calibration aligns the internal circuitry of said organizer with said touch-sensitive screen so that when an element on the screen is tapped, said organizer can detect exactly which task to perform (p. 18).

Palm fails to explicitly teach a portable computing device (Palm VII) comprising a processor. It is extremely well known for a portable computing device, such as that taught by Palm, to have at least a single processor, for the processing of instructions issued by said portable computing device (official notice; MPEP § 2144). Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate a processor into said portable computing device, as taught by Palm, because it is conventional for a computing device to issue instructions and as such said portable computing device would require a means (processor) by which to process said instructions.

Palm fails to explicitly teach a memory that stores a location indicated by a user on the display, wherein said location being where an input device is removed from the display and not where said input device initially contacts the display. Hardin, Sr. et al. teaches that subroutine 204 begins in process box 206 where the program first initializes digitizer pad 20, sets up ram buffer 14, and prepares the system to commence accepting a large number of data points at the rate of 200 points per second. As soon as digitizer pad 20 indicates that cursor 22 is proximate thereto, the program determines in decision box 208 whether a "pen up" or a "pen down" signal has been received. If a "pen up" signal has been received, the program in process box 212 prefaces the X-Y coordinate received from digitizer pad 20 with a zero, then in process box 214 stores the number in buffer memory 14. When the program receives a "pen down" signal, it branches to a process box 216 where it prefaces the X-Y coordinate received from digitizer pad 20 with a "1". The program then proceeds as described above by storing

the received number in buffer memory 14 (column 10, lines 50-68; column 11, lines 1-23).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Hardin, Sr. et al. into the device taught by Palm, because said teaching provides a means of indicating when a given user has both applied and removed a stylus from a touch-sensitive screen as well as providing a means by which said device can differentiate between said actions (i.e. by prefacing information related to said actions with a 1 or a 0, respectively).

It is note that the language of said claims is not considering limiting just to one action (i.e. the removal of a give input device). Said claim language, comprising open ended language (i.e. claim 1, line 1, "portable computing device, comprising"), simply discloses limiting a memory, not all of the memory of a given computing device, to information relevant to the removal of an input device from a display. Thus, due to said open ended language said claim language does not limit the number of memories which can be used to store additional or other location information.

In regards to claim 2 Palm teaches the input device is a stylus (p. 7; 31).

In regards to claim 5 Palm teaches a IR port and a serial port (p. 5-8; 187). It is noted that said IR and serial ports are considered data communication ports.

In regards to claim 6 Palm teaches wired and wireless data ports. It is noted said IR port is considered a wireless data port and said serial port is considered a wired data port. (p. 1; 5-6; 8; 14-15; 121).

In regards to claim 25 the rationale disclosed in the rejection of claim 1 is incorporated here. It is noted said organizer is considered to perform the claimed method.

In regards to claim 27 Palm teaches that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vise versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67).

In regards to claim 34 the rationale disclosed in the rejection of claim 1 is incorporated herein. It is noted said organizer is considered to perform the claimed method.

In regards to claim 35 the rationale disclosed in the rejection of claim 27 is incorporated herein.

Claim 7-10, 12, 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>) and Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034), as applied to claims 1-2, 5-6, 25, 27 and 34-35, in view of the Remote Engineering Homepage (<http://web.archive.org/web/19991013091843/http://pocketcad.com>), referred to herein as REH.

In regards to claim 7 Palm teaches that additional applications can be installed on your organizer, such as games and other software, including more query applications (p. 48). Palm and Hardin, Sr. et al. fail to explicitly teach a computer aided design (CAD) program in the memory. REH teaches PocketCAD is full-featured highly mobile CAD software for Windows CE 2.0 (p. 1-2; 8).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to design a version PocketCAD so to allow for it to also run on said organizer, running the Palm OS as taught by Palm, because by adding such cross-platform support to said software its features could be utilized on more devices, thus improving interoperability in real world applications wherein a plurality of portable computing devices are utilized.

In regards to claim 8 Palm discloses that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organizer with information on said computer. (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vice versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67).

Palm and Hardin, Sr. et al. fail to explicitly teach a desktop CAD program on a personal computer. REH teaches that included with PocketCAD is Remote Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop files between their Windows CE devices and their desktop. PocketDWG is based on



AutoDesk technology and handles the (file) conversion between the desktop and PocketCAD (p. 2). To be mobile you need to get your drawing files off your desktop computer and on to your HPC. With PocketDWG all you do is drag files from your Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your HPC to your desktop (p. 6; Fig. 3).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, for a desktop system which AutoCAD, generic CAD drawing files (DWG) and/or drawing interchange (exchange) files (DXF), stored on said desktop computer, to have been created via CAD software installed on said desktop computer system, because it is conventional for electronic (CAD) drawing files to be created by desktop CAD software, which is typically installed on a desktop computer system.

In regards to claim 9 the rationale disclosed in the rejection of claim 8 is incorporated herein.

In regards to claim 10 the rationale disclosed in the rejection of claim 8 is incorporated herein.

In regards to claim 12 REH teaches that PocketCAD is a full-featured CAD package with Drawing Tools to create Lines, Arcs, Circles, Text, Blocks and Dimensions. Edit Tools consist of Delete, move, Copy, Rotate, Trim and Extend (p. 2).

In regards to claim 28 the rationale disclosed in the rejection of claim 9 is incorporated herein.

In regards to claim 36 the rationale disclosed in the rejection of claim 9 is incorporated herein.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034) and REH (<http://web.archive.org/web/19991013091843/http://pocketcad.com>), as applied to claims 7-10, 12, 28 and 36, in view of Carter (U.S. Patent No. 5, 907, 705).

In regards to claim 11 Palm, Hardin, Sr. et al. and REH fail to explicitly teach changes made to the original file being stored in a script file. Carter teaches a database 22 and a HTML formatted RTI file format 22b. An SCCS system 22a manages said database 22 and creates a SCCS file 22c. Said SCCS system 22a stores original RTI files, but does not store changed RTI files per se. Instead, the system 22a stores changes to an original .html file (script file) in the SCCS file 22c as a "delta", which consists of only the changes themselves (column 8, lines 15-28; Fig. 5B). It is noted that the reference teaches that it is well known in the art to store, in a form of memory, the changes made to a file.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to implement alternative means of data storage for file modifications, such as modifications made to an original CAD file stored in a plurality of places, but modified only once, wherein said modifications are stored in a separate file from the original file, because by storing said modifications independently of said original file the transfer of changes made to one instance of said original file could be applied to all instances of

said original file by just transferring said stored modified data resulting in a reduction of the size of data necessary to be transferred and a reduction of time required for the transfer to complete.

Claim 3-4, 39-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>) and Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034), as applied to claims 1-2, 5-6, 25, 27 and 34-35, in view of Kung et al. (U.S. Patent No. 6, 570, 583 B1).

In regards to claim 3 Palm and Hardin, Sr. et al. fail to explicitly teach a rocker arm. Kung et al. teaches that pointing device 104 is a 2D rocking switch (rocker arm), which can control the zooming function for a given display (column 5, lines 53-57, and column 6, lines 1-14).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate said rocker switch, as taught by Kung et al., into said organizer, taught by Palm, because said pointing device can be used to quickly effect scrolling of display, thus allowing the user to more quickly and easily scan through information (column 6, lines 15-24).

In regards to claim 4 Palm and Hardin, Sr. et al. fail to explicitly teach said rocker arm is movable in both a rotary direction and in a linear direction. Kung et al. teaches that pointing device 104 is a 2D rocking switch (rocker arm). A pressure-sensitive switch (not shown) is disposed under the central portion 106 of the rocking switch 104. A user may rock the switch 104 left, right, up or down (rotary direction) without necessarily activating the pressure sensitive switch. However, by directing a firm

enough force on the central portion 106 (linear direction) of the rocking switch 104, the pressure-sensitive switch can be activated (column 5, lines 53-57, and column 6, lines 1-14). The motivation disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 39 the rationale disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 40 the rationale disclosed in the rejection of claim 4 is incorporated herein.

In regards to claim 41 Palm and Hardin, Sr. et al. fail to explicitly teach a rotary switch used in conjunction with a rocker arm. Kung et al. teaches a control device 68 (rotary switch), which can be rotated either forwards or backwards, and a trackball pointing device 69 (column 4, lines 40-54; Fig. 8). A two-dimensional rocking switch 89 (rocking arm) can be used in place of said trackball point device 69 (column 5, lines 48-52). The rationale disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 42 the rationale disclosed in the rejection of claim 2 is incorporated herein.

In regards to claim 43 the rationale disclosed in the rejection of claim 1 is incorporated herein.

Claim 13-15, 17-18, 20-22, 29-30 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034) and REH

(<http://web.archive.org/web/19991013091843/http://pocketcad.com>), as applied to claims 7-10, 12, 28 and 36, further view of Echerer et al. (U.S. Patent No. 5, 384, 862).

In regards to claim 13 the rationale disclosed in the rejection of claim 7, specifically in regards to a portable computing device that runs a portable CAD program, is incorporated herein. The rationale disclosed in the rejection of claim 8, specifically in regards to a main computer that runs a desktop CAD program and a communication link between said main computer and the at least one portable computing device so to allow for the exchange of data there between, is incorporated herein.

Palm, Hardin, Sr. et al. and REH fail to explicitly teach wherein the portable CAD program generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device, wherein the script file is separate from the CAD file. Echerer et al. teaches that identifying information is affixed to the received image. The affixed information includes: the patient's name and number, the name of the doctor assigned to the case, the doctor's identification number, the date of the X-ray, and perhaps the X-ray description. Echerer et al. teaches that processing enhances the image (bitmap) displayed and extracts information from the image as a result of an interchange of instructions and responses between CPU and user. The enhancements and information are stored in a second memory location, separate from the bitmap. A report is prepared using the information and the image together with its enhancements and/or without them; the report is stored in a third memory location and also printed on the laser printer or possibly transmitted by modem to a remote user (column 6, lines 15-

37). It is noted that the reference teaches that it is well known in the art to store changes made to a file in a form of memory.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to allow for the deconstruction of a modified CAD file into separate components and the reconstruction of said modified CAD files, from its deconstructed components, in a manner that best suits the relevant requirements at that given time, because due to both the memory and transfer rate constraints of organizers, at the time of the applicant's invention, such optimizations would further improve the usability of such an organizer by allowing for the size of the necessary data required to be transferred to be reduced.

To reiterated, Palm teaches that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vice versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67). It is important to note that when these changes are synchronized the original file is not being synchronized. These changes represent a new collection (file) of data which is being transferred separate from the original file.

REH teaches a CAD program which can be installed and run on a portable computing devices (p. 1-2; 8). REH further teaches that included with PocketCAD is

Remote Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop files between their Windows CE devices and their desktop. PocketDWG is based on AutoDesk technology and handles the (file) conversion between the desktop and PocketCAD (p. 2). To be mobile you need to get your drawing files off your desktop computer and on to your HPC. With PocketDWG all you do is drag files from your Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your HPC to your desktop (p. 6; Fig. 3).

REH further teaches that once the filter is installed all you have to do is drag your DWG/DXF file from your Windows Explorer to your HPC Explorer. The result will be a .CAD file on your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF file with the same name as your DWG file (p. 6). It is important to note that during said synchronization between devices a new file type is generate, separate from the original.

In regards to claim 14 the rationale disclosed in the rejection of claim 12 is incorporated herein.

In regards to claim 15 the rationale disclosed in the rejection of claim 9 is incorporated herein.

In regards to claim 17 REH teaches with the PocketDWG Filter all you do is drag your files from your Windows Explorer to your PC Explorer and Pocket SWG handles the rest. Once the filter is installed all you have to do is drag your DWG/DXF file from

your Windows Explorer to your HPC Explorer. The result will be a .CAD file on your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF file with the same name as your DWG file (p. 6).

In regards to claim 18 the rationale disclosed in the rejection of claim 13 is incorporated herein.

In regards to claim 20 the rationale disclosed in the rejection of claim 6 is incorporated herein.

In regards to claim 21 the rationale disclosed in the rejection of claim 1 is incorporated herein.

In regards to claim 22 the rationale disclosed in the rejection of claim 2 is incorporated herein.

In regards to claim 29 the rationale disclosed in the rejection of claim 13 is incorporated herein.

In regards to claim 30 the rationale disclosed in the rejection of claim 17 is incorporated herein.

In regards to claim 37 the rationale disclosed in the rejection of claim 13 is incorporated herein.

In regards to claim 38 the rationale disclosed in the rejection of claim 17 is incorporated herein.

Claim 23-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), Hardin, Sr. et al. (U.S.



Patent No. 4, 817, 034), REH

(<http://web.archive.org/web/19991013091843/http://pocketcad.com>) and Echerer et al. (U.S. Patent No. 5, 384, 862), as applied to claims 13-15, 17-18, 20-22, 29-30 and 37-38, further view of Kung et al. (U.S. Patent No. 6, 570, 583 B1).

In regards to claim 23 the rationale disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 24 the rationale disclosed in the rejection of claim 4 is incorporated herein.

**(10) Response to Argument**

In regards to applicant's arguments that Palm and Hardin, Sr. et al. fail to teach the limitations of claims 1, 25 and 34, cited on pages 8-9 of the appeal brief, it is note that the language of said claims is not considering limiting just to one action (i.e. the removal of a give input device). Said claim language, comprising open ended language (i.e. claim 1, line 1, "portable computing device, comprising"), simply discloses limiting a memory, not all of the memory of a given computing device, to information relevant to the removal of an input device from a display. Thus, due to said open ended language said claim language does not limit the number of memories which can be used to store additional or other location information. In addition said language does not limit the number of locations able to be stored in said memory, even if said memory is limited to a single memory and not a plurality of memory.

In regards to applicant's arguments that Kung et al. fails to teach limitations of claims 39 and 41-43, cited on pages 9-10 of the appeal brief, specifically that the rocker

switch (104) does not extend from the unit said limitation is not present in the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is noted that the claim language of claim 39 simply claims "a rocker arm for controlling said display; wherein said rocker arm is movable in both a rotary direction and in a linear direction" (lines 5-6). Kung et al. meets all of these limitations. Kung et al. teaches that pointing device 104 is a 2D rocking switch (rocker arm), which can control the zooming function for a given display. A pressure-sensitive switch (not shown) is disposed under the central portion 106 of the rocking switch 104. A user may rock the switch 104 left, right, up or down (rotary direction) without necessarily activating the pressure sensitive switch. However, by directing a firm enough force on the central portion 106 (linear direction) of the rocking switch 104, the pressure-sensitive switch can be activated (column 5, lines 53-57, and column 6, lines 1-14).

In regards to claim applicant's arguments that Echerer et al. fails to teach the limitations of claim 13, cited on pages 11-13 of the appeal brief, it is noted that it is the combined elements of the teachings of Palm, Hardin, Sr. et al., REH and Echerer that are considered to meet said claim limitations. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Palm teaches that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vice versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67). It is important to note that when these changes are synchronized the original file is not being synchronized. These changes represent a new collection (file) of data which is being transferred separate from the original file.

REH teaches a CAD program which can be installed and run on a portable computing devices (p. 1-2; 8). REH further teaches that included with PocketCAD is Remote Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop files between their Windows CE devices and their desktop. PocketDWG is based on AutoDesk technology and handles the (file) conversion between the desktop and PocketCAD (p. 2). To be mobile you need to get your drawing files off your desktop computer and on to your HPC. With PocketDWG all you do is drag files from your Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your HPC to your desktop (p. 6; Fig. 3).

REH further teaches that once the filter is installed all you have to do is drag your DWG/DXF file from your Windows Explorer to your HPC Explorer. The result will be a

.CAD file on your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF file with the same name as your DWG file (p. 6). It is important to note that during said synchronization between devices a new file type is generate, separate from the original.

For the above reasons, it is believed that the rejections should be sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

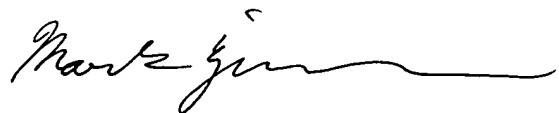
Respectfully submitted,

Peter-Anthony Pappas  
Examiner  
Art Unit 2671

PAP  
February 21, 2006

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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10/039,175	12/31/2001	Michael Leon Feilmeier	80252-0183	7161

20480 7590 02/25/2005

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EXAMINER

PAPPAS, PETER

ART UNIT	PAPER NUMBER
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2671

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/039,175  
Filing Date: December 31, 2001  
Appellant(s): FEILMEIER ET AL.

**MAILED**

**FEB 25 2005**

**Technology Center 2600**

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Steven L. Nichols  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/4/04.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct. It is noted that the title for this section is incorrect labeled "Grounds of Rejection to be Reviewed on Appeal."

**(7) *Grouping of Claims***

The rejection of claims [1-12, 25, 27-30 and 34-48], [39 and 41-43] and [13-15, 17-18 and 20-24] stand or fall together, respectively, because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-6, 25, 27 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handbook for the Palm VII Organizer, referred to herein as Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), in view of Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034).

In regards to claim 1 Palm teaches a Palm VII connected organizer (referred to herein as organizer) with a touch-sensitive display, responsive to user input via a stylus, and memory for the storage of data (p. 1; 5-7; 48). Palm teaches that calibration aligns the internal circuitry of said organizer with said touch-sensitive screen so that when an



element on the screen is tapped, said organizer can detect exactly which task to perform (p. 18).

Palm fails to explicitly teach a portable computing device (Palm VII) comprising a processor. It is extremely well known for a portable computing device, such as that taught by Palm, to have at least a single processor, for the processing of instructions issued by said portable computing device (official notice; MPEP § 2144). Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate a processor into said portable computing device, as taught by Palm, because it is conventional for a computing device to issue instructions and as such said portable computing device would require a means (processor) by which to process said instructions.

Palm fails to explicitly teach a memory that stores a location indicated by a user on the display, wherein said location being where an input device is removed from the display and not where said input device initially contacts the display. Hardin, Sr. et al. teaches that subroutine 204 begins in process box 206 where the program first initializes digitizer pad 20, sets up ram buffer 14, and prepares the system to commence accepting a large number of data points at the rate of 200 points per second. As soon as digitizer pad 20 indicates that cursor 22 is proximate thereto, the program determines in decision box 208 whether a "pen up" or a "pen down" signal has been received. If a "pen up" signal has been received, the program in process box 212 prefaces the X-Y coordinate received from digitizer pad 20 with a zero, then in process box 214 stores the number in buffer memory 14. When the program receives a "pen down" signal, it

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branches to a process box 216 where it prefacing the X-Y coordinate received from digitizer pad 20 with a "1". The program then proceeds as described above by storing the received number in buffer memory 14 (column 10, lines 50-68; column 11, lines 1-23).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Hardin, Sr. et al. into the device taught by Palm, because said teaching provides a means of indicating when a given user has both applied and removed a stylus from a touch-sensitive screen as well as providing a means by which said device can differentiate between said actions (i.e. by prefacing information related to said actions with a 1 or a 0, respectively).

It is note that the language of said claims is not considering limiting just to one action (i.e. the removal of a give input device). Said claim language, comprising open ended language (i.e. claim 1, line 1, "portable computing device, comprising"), simply discloses limiting a memory, not all of the memory of a given computing device, to information relevant to the removal of an input device from a display. Thus, due to said open ended language said claim language does not limit the number of memories which can be used to store additional or other location information.

In regards to claim 2 Palm teaches the input device is a stylus (p. 7; 31).

In regards to claim 5 Palm teaches a IR port and a serial port (p. 5-8; 187). It is noted that said IR and serial ports are considered data communication ports.

In regards to claim 6 Palm teaches wired and wireless data ports. It is noted said IR port is considered a wireless data port and said serial port is considered a wired data port. (p. 1; 5-6; 8; 14-15; 121).

In regards to claim 25 the rationale disclosed in the rejection of claim 1 is incorporated here. It is noted said organizer is considered to perform the claimed method.

In regards to claim 27 Palm teaches that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vise versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67).

In regards to claim 34 the rationale disclosed in the rejection of claim 1 is incorporated herein. It is noted said organizer is considered to perform the claimed method.

In regards to claim 35 the rationale disclosed in the rejection of claim 27 is incorporated herein.

Claim 7-10, 12, 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>) and Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034), as applied to claims 1-2, 5-6, 25, 27 and 34-35, in view of the Remote Engineering Homepage

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(<http://web.archive.org/web/19991013091843/http://pocketcad.com>), referred to herein as REH.

In regards to claim 7 Palm teaches that additional applications can be installed on your organizer, such as games and other software, including more query applications (p. 48). Palm and Hardin, Sr. et al. fail to explicitly teach a computer aided design (CAD) program in the memory. REH teaches PocketCAD is full-featured highly mobile CAD software for Windows CE 2.0 (p. 1-2; 8).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to design a version PocketCAD so to allow for it to also run on said organizer, running the Palm OS as taught by Palm, because by adding such cross-platform support to said software its features could be utilized on more devices, thus improving interoperability in real world applications wherein a plurality of portable computing devices are utilized.

In regards to claim 8 Palm discloses that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer. (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vise versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67).

Palm and Hardin, Sr. et al. fail to explicitly teach a desktop CAD program on a personal computer. REH teaches that included with PocketCAD is Remote

Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop files between their Windows CE devices and their desktop. PocketDWG is based on AutoDesk technology and handles the (file) conversion between the desktop and PocketCAD (p. 2). To be mobile you need to get your drawing files off your desktop computer and on to your HPC. With PocketDWG all you do is drag files from your Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your HPC to your desktop (p. 6; Fig. 3).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, for a desktop system which AutoCAD, generic CAD drawing files (DWG) and/or drawing interchange (exchange) files (DXF), stored on said desktop computer, to have been created via CAD software installed on said desktop computer system, because it is conventional for electronic (CAD) drawing files to be created by desktop CAD software, which is typically installed on a desktop computer system.

In regards to claim 9 the rationale disclosed in the rejection of claim 8 is incorporated herein.

In regards to claim 10 the rationale disclosed in the rejection of claim 8 is incorporated herein.

In regards to claim 12 REH teaches that PocketCAD is a full-featured CAD package with Drawing Tools to create Lines, Arcs, Circles, Text, Blocks and Dimensions. Edit Tools consist of Delete, move, Copy, Rotate, Trim and Extend (p. 2).

In regards to claim 28 the rationale disclosed in the rejection of claim 9 is incorporated herein.

In regards to claim 36 the rationale disclosed in the rejection of claim 9 is incorporated herein.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034) and REH (<http://web.archive.org/web/19991013091843/http://pocketcad.com>), as applied to claims 7-10, 12, 28 and 36, in view of Carter (U.S. Patent No. 5, 907, 705).

In regards to claim 11 Palm, Hardin, Sr. et al. and REH fail to explicitly teach changes made to the original file being stored in a script file. Carter teaches a database 22 and a HTML formatted RTI file format 22b. An SCCS system 22a manages said database 22 and creates a SCCS file 22c. Said SCCS system 22a stores original RTI files, but does not store changed RTI files per se. Instead, the system 22a stores changes to an original .html file (script file) in the SCCS file 22c as a "delta", which consists of only the changes themselves (column 8, lines 15-28; Fig. 5B). It is noted that the reference teaches that it is well known in the art to store, in a form of memory, the changes made to a file.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to implement alternative means of data storage for file modifications, such as modifications made to an original CAD file stored in a plurality of places, but modified only once, wherein said modifications are stored in a separate file from the original file,

because by storing said modifications independently of said original file the transfer of changes made to one instance of said original file could be applied to all instances of said original file by just transferring said stored modified data resulting in a reduction of the size of data necessary to be transferred and a reduction of time required for the transfer to complete.

Claim 3-4, 39-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>) and Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034), as applied to claims 1-2, 5-6, 25, 27 and 34-35, in view of Kung et al. (U.S. Patent No. 6, 570, 583 B1).

In regards to claim 3 Palm and Hardin, Sr. et al. fail to explicitly teach a rocker arm. Kung et al. teaches that pointing device 104 is a 2D rocking switch (rocker arm), which can control the zooming function for a given display (column 5, lines 53-57, and column 6, lines 1-14).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate said rocker switch, as taught by Kung et al., into said organizer, taught by Palm, because said pointing device can be used to quickly effect scrolling of display, thus allowing the user to more quickly and easily scan through information (column 6, lines 15-24).

In regards to claim 4 Palm and Hardin, Sr. et al. fail to explicitly teach said rocker arm is movable in both a rotary direction and in a linear direction. Kung et al. teaches that pointing device 104 is a 2D rocking switch (rocker arm). A pressure-sensitive switch (not shown) is disposed under the central portion 106 of the rocking switch 104.

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A user may rock the switch 104 left, right, up or down (rotary direction) without necessarily activating the pressure sensitive switch. However, by directing a firm enough force on the central portion 106 (linear direction) of the rocking switch 104, the pressure-sensitive switch can be activated (column 5, lines 53-57, and column 6, lines 1-14). The motivation disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 39 the rationale disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 40 the rationale disclosed in the rejection of claim 4 is incorporated herein.

In regards to claim 41 Palm and Hardin, Sr. et al. fail to explicitly teach a rotary switch used in conjunction with a rocker arm. Kung et al. teaches a control device 68 (rotary switch), which can be rotated either forwards or backwards, and a trackball pointing device 69 (column 4, lines 40-54; Fig. 8). A two-dimensional rocking switch 89 (rocking arm) can be used in place of said trackball point device 69 (column 5, lines 48-52). The rationale disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 42 the rationale disclosed in the rejection of claim 2 is incorporated herein.

In regards to claim 43 the rationale disclosed in the rejection of claim 1 is incorporated herein.

Claim 13-15, 17-18, 20-22, 29-30 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), Hardin, Sr. et al. (U.S.



Patent No. 4, 817, 034) and REH

(<http://web.archive.org/web/19991013091843/http://pocketcad.com>), as applied to claims 7-10, 12, 28 and 36, further view of Echerer et al. (U.S. Patent No. 5, 384, 862).

In regards to claim 13 the rationale disclosed in the rejection of claim 7, specifically in regards to a portable computing device that runs a portable CAD program, is incorporated herein. The rationale disclosed in the rejection of claim 8, specifically in regards to a main computer that runs a desktop CAD program and a communication link between said main computer and the at least one portable computing device so to allow for the exchange of data there between, is incorporated herein.

Palm, Hardin, Sr. et al. and REH fail to explicitly teach wherein the portable CAD program generates a script file comprising any additions or changes made with regard to a CAD file on the portable computing device, wherein the script file is separate from the CAD file. Echerer et al. teaches that identifying information is affixed to the received image. The affixed information includes: the patient's name and number, the name of the doctor assigned to the case, the doctor's identification number, the date of the X-ray, and perhaps the X-ray description. Echerer et al. teaches that processing enhances the image (bitmap) displayed and extracts information from the image as a result of an interchange of instructions and responses between CPU and user. The enhancements and information are stored in a second memory location, separate from the bitmap. A report is prepared using the information and the image together with its enhancements and/or without them; the report is stored in a third memory location and also printed on

the laser printer or possibly transmitted by modem to a remote user (column 6, lines 15-37). It is noted that the reference teaches that it is well known in the art to store changes made to a file in a form of memory.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to allow for the deconstruction of a modified CAD file into separate components and the reconstruction of said modified CAD files, from its deconstructed components, in a manner that best suits the relevant requirements at that given time, because due to both the memory and transfer rate constraints of organizers, at the time of the applicant's invention, such optimizations would further improve the usability of such an organizer by allowing for the size of the necessary data required to be transferred to be reduced.

To reiterated, Palm teaches that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vise versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67). It is important to note that when these changes are synchronized the original file is not being synchronized. These changes represent a new collection (file) of data which is being transferred separate from the original file.

REH teaches a CAD program which can be installed and run on a portable computing devices (p. 1-2; 8). REH further teaches that included with PocketCAD is Remote Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop files between their Windows CE devices and their desktop. PocketDWG is based on AutoDesk technology and handles the (file) conversion between the desktop and PocketCAD (p. 2). To be mobile you need to get your drawing files off your desktop computer and on to your HPC. With PocketDWG all you do is drag files from your Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your HPC to your desktop (p. 6; Fig. 3).

REH further teaches that once the filter is installed all you have to do is drag your DWG/DXF file from your Windows Explorer to your HPC Explorer. The result will be a .CAD file on your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF file with the same name as your DWG file (p. 6). It is important to note that during said synchronization between devices a new file type is generate, separate from the original.

In regards to claim 14 the rationale disclosed in the rejection of claim 12 is incorporated herein.

In regards to claim 15 the rationale disclosed in the rejection of claim 9 is incorporated herein.

In regards to claim 17 REH teaches with the PocketDWG Filter all you do is drag your files from your Windows Explorer to your PC Explorer and Pocket SWG handles the rest. Once the filter is installed all you have to do is drag your DWG/DXF file from your Windows Explorer to your HPC Explorer. The result will be a .CAD file on your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF file with the same name as your DWG file (p. 6).

In regards to claim 18 the rationale disclosed in the rejection of claim 13 is incorporated herein.

In regards to claim 20 the rationale disclosed in the rejection of claim 6 is incorporated herein.

In regards to claim 21 the rationale disclosed in the rejection of claim 1 is incorporated herein.

In regards to claim 22 the rationale disclosed in the rejection of claim 2 is incorporated herein.

In regards to claim 29 the rationale disclosed in the rejection of claim 13 is incorporated herein.

In regards to claim 30 the rationale disclosed in the rejection of claim 17 is incorporated herein.

In regards to claim 37 the rationale disclosed in the rejection of claim 13 is incorporated herein.

In regards to claim 38 the rationale disclosed in the rejection of claim 17 is incorporated herein.

Claim 23-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (<http://www.palmone.com/us/support/handbooks/palmvii.pdf>), Hardin, Sr. et al. (U.S. Patent No. 4, 817, 034), REH (<http://web.archive.org/web/19991013091843/http://pocketcad.com>) and Echerer et al. (U.S. Patent No. 5, 384, 862), as applied to claims 13-15, 17-18, 20-22, 29-30 and 37-38, further view of Kung et al. (U.S. Patent No. 6, 570, 583 B1).

In regards to claim 23 the rationale disclosed in the rejection of claim 3 is incorporated herein.

In regards to claim 24 the rationale disclosed in the rejection of claim 4 is incorporated herein.

**(11) Response to Argument**

In regards to applicant's arguments that Palm and Hardin, Sr. et al. fail to teach the limitations of claims 1, 25 and 34, cited on pages 8-9 of the appeal brief, it is note that the language of said claims is not considering limiting just to one action (i.e. the removal of a give input device). Said claim language, comprising open ended language (i.e. claim 1, line 1, "portable computing device, comprising"), simply discloses limiting a memory, not all of the memory of a given computing device, to information relevant to the removal of an input device from a display. Thus, due to said open ended language said claim language does not limit the number of memories which can be used to store additional or other location information. In addition said language does not limit the

number of locations able to be stored in said memory, even if said memory is limited to a single memory and not a plurality of memory.

In regards to applicant's arguments that Kung et al. fails to teach limitations of claims 39 and 41-43, cited on pages 9-10 of the appeal brief, specifically that the rocker switch (104) does not extend from the unit said limitation is not present in the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is noted that the claim language of claim 39 simply claims "a rocker arm for controlling said display; wherein said rocker arm is movable in both a rotary direction and in a linear direction" (lines 5-6). Kung et al. meets all of these limitations. Kung et al. teaches that pointing device 104 is a 2D rocking switch (rocker arm), which can control the zooming function for a given display. A pressure-sensitive switch (not shown) is disposed under the central portion 106 of the rocking switch 104. A user may rock the switch 104 left, right, up or down (rotary direction) without necessarily activating the pressure sensitive switch. However, by directing a firm enough force on the central portion 106 (linear direction) of the rocking switch 104, the pressure-sensitive switch can be activated (column 5, lines 53-57, and column 6, lines 1-14).

In regards to claim applicant's arguments that Echerer et al. fails to teach the limitations of claim 13, cited on pages 11-13 of the appeal brief, it is noted that it is the combined elements of the teachings of Palm, Hardin, Sr. et al., REH and Echerer that are considered to meet said claim limitations. In response to applicant's arguments

against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Palm teaches that when said organizer is in the cradle and the cradle is connected to a computer HotSync technology can be used to do a two-way exchange of the data on said organizer and said computer, resulting in the complete synchronization of information on said organize with information on said computer (p. 8; 12). Changes made to your organizer are transferred to your Palm Desktop software and vice versa. The first HotSync operation takes a little time, but after that HotSync operations happen quickly because only changes are synchronized (p. 67). It is important to note that when these changes are synchronized the original file is not being synchronized. These changes represent a new collection (file) of data which is being transferred separate from the original file.

REH teaches a CAD program which can be installed and run on a portable computing devices (p. 1-2; 8). REH further teaches that included with PocketCAD is Remote Engineering's new PocketDWG Filter version 2.0 which allows users to drag and drop files between their Windows CE devices and their desktop. PocketDWG is based on AutoDesk technology and handles the (file) conversion between the desktop and PocketCAD (p. 2). To be mobile you need to get your drawing files off your desktop computer and on to your HPC. With PocketDWG all you do is drag files from your Windows Explorer to your HPC Explorer and PocketDWG handles the rest. Use

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PocketVIEW to add redlines and save. Then drag and drop the .CAD file from your HPC to your desktop (p. 6; Fig. 3).

REH further teaches that once the filter is installed all you have to do is drag your DWG/DXF file from your Windows Explorer to your HPC Explorer. The result will be a .CAD file on your HPC for use with PocketVIEW. Use PocketVIEW to add redline and save. Then drag and drop the .CAD file from your HPC to your desktop. The result will be a DXF file with the same name as your DWG file (p. 6). It is important to note that during said synchronization between devices a new file type is generate, separate from the original.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Art Unit 2671

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